

Amendment to the Drawing

Fig. 2, filed on June 20, 2006, has been canceled, and replacement sheet, Fig. 2, has been filed.

REMARKS

In the Office Action of March 26, 2008, the abstract was objected to as containing legal phraseology. In this respect, new abstract has been filed.

In the second paragraph of the Office Action, the drawings were objected to under 37 CFR 1.83(a). Specifically, it is stated that "a bolt coupling the position member" and the "spacer" must be shown in the drawings.

In response to the objections over the drawings, the specification has been amended to change a tool post base 51 to correspond to a positioning member as recited in claim 3. Thus, it is now clearly shown, from page 14, lines 9-13 of the specification and Figs. 1(a) and 2, that the guide bush support table 1 is fitted to the tool post base 51 by a plurality of bolts 15.

In regard to the spacer, the specification has been amended to assign a numeral 51' to the spacer which has been disclosed in the original specification in the PCT application filed on December 26, 2003. Also, Fig. 2 has been amended to show the spacer 51', and a new replacement sheet including corrected Fig. 2 has been filed herewith. No new matter has been entered.

In the third paragraph of the Office Action, claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (USP 6,665,579) in view of Mihara et al. (JP 58132402).

Further, in the fourth paragraph, claims 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (USP 6,665,579), in view of Mihara and further in view of Uchiumi et al. (JP 5-280532).

In reviewing the claims, claims 1-11 have been editorially amended, and claim 8 has been amended in independent form. No substantial change has been made in the claims.

In response to the rejections under 35 U.S.C. 103(a), Sasaki shows NC lathe, wherein the NC lathe controls, supplying of a bar

in a bar supplying apparatus; driving of a motor for moving a feeder; and opening/closing of a run-out preventing chucks. Even though Sasaki discloses some basic components for NC lathe, Sasaki does not disclose a guide bush, a tool post, and a motor. Thus, there is no disclosure about the particular structure of the present invention in order to rapidly and easily switch a machining of a material in which the guide bush is used and the machining of the material in which the guide bush is not used.

In particular, Sasaki does not expressly or inherently teach or suggest: the guide bush detachably fitted to a tip of the guide member; driving means provided in the guide bush support table to rotate the guide member together with the guide bush; rotation transmission means for transmitting rotation of the guide member to the spindle; and spindle fixing means for preventing the spindle from moving forward and backward with respect to the guide bush support table, and positioning and fixing the spindle at a specified position on the guide bush support table when the guide bush is removed from the guide member.

Mihara et al. discloses only basic components, such as a headstock, spindle, a guide bush, and a guide bush support table. In particular, guide means for various moving members are gathered in a single bed, and no specific arrangement of the parts of the invention is disclosed in Mihara et al.

The court says "[a]ny judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." *In re McLaughlin* 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

In this case, in view of *McLaughlin*, the Examiner cannot make out the *prima facie* case of obviousness because the Examiner's

reasoning is based on knowledge gleaned only from applicant's disclosure of the particular structure recited in claim 1 of the present invention.

As for the rejection under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al., in view of Mihara et al. and further in view of Uchiumi et al., Uchiumi et al. only shows the main spindle and the rear bearing case having a radial clearance. Uchiumi et al. does not rectify the deficiencies of Sasaki et al. and Mihara et al.. Therefore, claim 1 is patentable over the cited references.

Also, on page 6 in the Office Action, it was indicated that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this respect, claim 8 has been amended in independent form. Incidentally, since claims 9-11 directly or indirectly depend from claim 8, claims 9-11 are patentable despite the rejection in paragraph 4 of the Action.

As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

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Annotated sheet

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FIG. 2

